

Si Yim
Whitfield County Schools
1306 South Thornton Ave.
Dalton, GA 30720

May 24, 2004

FCC, Office of the Secretary
445 12th Street SW
Washington, DC 20554

Dear Sirs:

This is a "Request for Review" for a decision made by the SLD.

The necessary details are as follows:

- | | |
|-----------------------------------|-----------------------------------|
| • Docket No. | CC 02-6 |
| • SLD Form 471 | Fund year 2004 (7/1/04 – 6/30/05) |
| • SLD Billed Entity Number | 127400 |
| • SLD Billed Entity Name | Whitfield County Schools District |
| • SLD Form 471 Application Number | 387068 |

For the funding year 2004-2005, the SLD application 471 for Whitfield County Schools was rejected because the signature in Block 6, Item 34 was blank. The following describes the sequence of events:

- Original application was filed on 1/5/2004.
- I received the Form 471 Certification Rejection Letter (dated 2/5/2004) on 2/9/2004.
- The correction was made and sent to the SLD immediately on 2/9/2004.
- I received the Final deny letter on 5/24/04 stating that since the correction was not sent in before 2/4/2005, the request has been denied.

Considering the fact that I did not receive first letter until 2/9/2004 (after the SLD's deadline), it was not possible to have corrected the error and submit the form according to the SLD's deadline.

Please review the appeal and reconsider the funding request for the Form 471 Application Number 387068 for the Whitfield County School District.

My contact information is as follows:

- Phone 706-217-6722
- Fax 706-217-6755
- Email si_yim@whitfield.k12.ga.us

Sincerely,

Si Yim
IT Director

Enclosure: Copy of the Administrator's Decision on Appeal – Funding Year 2004-2005



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2004-2005

May 21, 2004

Si Yim
Whitfield County School District
1306 South Thornton Avenue
Dalton, GA 30720

Received 5/24/04
[Signature]

Re: Billed Entity Number: 127400
 471 Application Number: 387068
 Funding Request Number(s): 1069798, 1069800
 Your Correspondence Dated: February 9, 2004

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision regarding your appeal of SLD's Funding Year 2004 Form 471 Certification Rejection Letter for the application number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day period for appealing this decision to the Federal Communications Commission (FCC). If your letter of appeal included more than one application number, please note that for each application an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 1069798, 1069800
Decision on Appeal: **Denied in full**
Explanation:

- On appeal, you seek reversal of the SLD's decision to reject the Form 471 where the signature line in Block 6, Item 34 of the Form 471 Certification did not bear a signature. In support of your request, you include a signed Form 471, Block 6 Certification and Signature page.
- Upon thorough review of the appeal letter, it is determined that Block 6, Item 34, of the Form 471, postmarked on January 5, 2004, was submitted without a signature. While your certification was received within the Funding Year 2004 window, it was not signed; therefore, it was properly rejected. The Form 471 Certification Rejection Letter was dated February 5, 2004, and your correction was postmarked on February 9, 2004. In order to receive consideration within the Funding Year 2004 window, program rules require that completed Forms 471 and Form 471 Certifications must be received by the SLD or postmarked no later than

February 4, 2004. Further, it is the responsibility of the applicant to ensure that all forms submitted to SLD are timely and submitted in the correct manner.

- Consistent with the FCC decision in South Barber Unified School District, the signature certification is fundamental to the administration of the program. SLD relies on the signature certification to establish the authority of the signer to represent the applicant. Signature certifications ultimately satisfy the program's policy objective of binding the applicants and service providers to the program requirements. Failing to submit a signature certification omits the legally binding act that signifies compliance with program rules.¹
- On February 9, 2004, you sent an appeal along with a corrected Block 6 certification page. In your letter, you acknowledge that the original form was sent without a signature and request that the correction be accepted and considered timely. According to the South Barber decision, the purpose of a filing window is to put all applicants who file within the window on equal footing.² Allowing applicants to correct their applications and resubmit them after the window has closed would eliminate any incentive to comply with SLD's document demands in a timely fashion, and could jeopardize SLD's ability to accurately apply the rules of priority in years where requests for funding exceed the annual funding cap.³ Therefore, your appeal is denied in full and your application will not be data entered.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

¹ *Request for Review of the Decision of the Universal Service Administrator by South Barber Unified School District 255, Changes to the Board of Directors of the National Exchange Carriers Association, Inc.*, File No. SLD-158897, CC Dockets No. 96-45- and 97-21, Order, DA 01-2233 (Com. Car. Bur. Rel. Oct. 23, 2001).

² *Id.*

³ *Id.*